REMARKS/ARGUMENTS

Claims 49-52 and 54-96 are pending in this application. By this Amendment, Applicant AMENDS claims 49, 54, 58, and 62 and CANCELS claim 53. The Examiner has withdrawn claims 91 and 93-96 from consideration.

Applicant greatly appreciates the Examiner's indication that claims 58-60, 62, 63, 74, and 78-80 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Applicant affirms election of Species 2, including claims 49-90 and 92. Applicant reserves the right to file Divisional Applications to pursue the non-elected Species. Applicant respectfully requests that the Examiner rejoin, consider, and allow claims 91 and 93-96 when generic claims 49, 54, and 70 are allowed.

The Examiner is reminded that in an Information Disclosure Statement filed on September 14, 2005, Applicant cited copending U.S. Patent Application No. 10/549,503 to bring to the attention of the Examiner and have the Examiner consider the subject matter and claims of the copending U.S. Patent Application, the prior art references, Office Actions and responses to Office Actions made of record in the copending U.S. Patent Application. The Examiner is respectfully requested to update his/her review and consideration of the claims of the copending U.S. Patent Application, the prior art references, Office Actions and responses to Office Actions made of record in the copending U.S. Patent Application.

Claims 49-57, 61, 64-72, 74-77, 81-90, and 92 were rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson et al. (U.S. 2002/0039224). Claim 73 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. in view of Okumura et al. (U.S. 2004/0155999).

As indicated above, Applicant has canceled claim 53. Applicant respectfully traverses the rejections of claims 49-52, 54-57, 61, 64-77, 81-90, and 92.

Claim 49 has been amended to recite:

> A display system comprising:
> a dimming device capable of switchably presenting a light reflecting state or a

light transmitting state; and

a display device for displaying information by modulating light transmitted through the dimming device and/or light reflected by the dimming device; wherein

the dimming device has a plurality of regions each being independently capable of switchably presenting a light reflecting state or a light transmitting state, and, when a plurality of types of information are being displayed on the display device, the dimming device is capable of selectively switching between the light reflecting state or the light transmitting state of each of the plurality of regions in accordance with the types of information being displayed;

the dimming device is a dimming device comprising a dimming layer whose light reflectance changes in response to an external stimulation; and

the dimming layer contains a first material whose optical characteristics change in accordance with a concentration of a specific element, the first material being particles. (emphasis added)

Applicant's claims 54 and 70 recite features that are similar to the features recited in Applicant's claim 49, including the above-emphasized features.

With the unique combination and arrangement of features recited in Applicant's claim 49, including the feature of "the dimming layer contains a first material whose optical characteristics change in accordance with a concentration of a specific element, the first material being particles," Applicant has been able to provide a display system which has good display characteristics during both display under a transmission mode and display under a reflection mode, and which is also suitable for use in providing a multitude of scenes and/or displaying multiple types of content simultaneously (see, for example, the paragraph bridging pages 5 and 6 of Applicant's substitute specification). The unique combination and arrangement of features recited in Applicant's claims 54 and 70 provide similar benefits.

Applicant has amended claim 49 to recite the feature of "the dimming layer contains a first material whose optical characteristics change in accordance with a concentration of a specific element, the first material being particles." Support for this feature is found, for example, Applicant's previously presented claim 53. Applicant has also amended claim 54 to recite a similar feature and Applicant's claim 70 already recited a similar feature.

In the outstanding Office Action, the Examiner alleged that Johnson et al. teaches all of the features previously recited in Applicant's claim 53, these features now being recited in

Applicant's claim 49. More specifically, the Examiner alleged, "Johnson [et al.] further discloses in Figures 3A and 3B that the dimming device comprising a dimming layer (element 3) whose light reflectance changes in response to an external stimulation (Paragraphs 0017, 0021 and 0033); and the dimming layer contains a first material whose optical characteristics change in accordance with a concentration of a specific element, the first material being particles (Paragraph 0017)." The Examiner rejected Applicant's claims 54 and 70 for similar reasons.

Applicant respectfully disagrees with the Examiner's allegation that Johnson et al. teaches or suggests a first material made of particles that possess optical characteristics that change in accordance with a concentration of a specific element as required by Applicant's claims 49, 54, and 70.

Johnson et al. teaches a transflective switching display device including a transparent glass plate 1 which includes a stack of layers comprising: a LMgHx (L being a Lanthanide series element, Y, Sc, or Ni) layer 3 which is arranged as a switching film with a thickness of about 200 nm, a palladium layer 5 with a thickness of about 5 nm, a layer 7 of an ion-conducting electrolyte with a thickness in the range of 0.1 to 10 μm, and a hydrogen storage layer 9, as shown in Figs. 1A and 1B and as discussed in paragraph [0016] of Johnson et al. Nowhere in Johnson et al. is there any teaching or suggestion of providing a dimming layer which contains a first material, being made of particles, whose optical characteristics change in accordance with a concentration of a specific element. The Examiner alleged that paragraph [0017] of Johnson et al. teaches a dimming layer which contains a first material being made of particles. However, paragraph [0017] of Johnson et al. merely states:

> [0017] GdMgHx is a very suitable switching material, as far as optical properties and switching time are concerned, but other trivalent magnesium-lanthanide alloys might be employed as well. The switching film 3 may be reversibly switched between a low-hydrogen ($x<-2$) composition and a saturated high-hydrogen (x-5) composition. At intermediate H compositions, the film is absorbing in various degrees. In practice, the film is essentially absorbing with hydrogen densities in the range of $2.5<x<4.5$. The various compositions have different optical properties. At a low hydrogen content, the film has a metallic character and is non-transparent. The film then reflects like a mirror. At a high

> hydrogen content, the film 3 is semiconductive and transparent, whereas at intermediate hydrogen concentration the switching film is absorbing.

Nowhere in Johnson et al., including in the above cited paragraph [0017] of Johnson et al. which is specifically relied upon by the Examiner, is there any teaching or suggestion of providing a dimming layer which contains a first material, being made of particles, whose optical characteristics change in accordance with a concentration of a specific element. Nor does Johnson et al. make any mention whatsoever of any particles anywhere in its entire disclosure.

Thus, Johnson et al. clearly fails to teach or suggest the feature of "the dimming layer contains a first material whose optical characteristics change in accordance with a concentration of a specific element, the first material being particles" as recited in Applicant's claim 49 and as similarly recited in Applicant's claims 54 and 70.

The Examiner is reminded that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 49, 54, and 70 under 35 U.S.C. § 102(b) as being anticipated by Johnson et al.

The Examiner relied upon Okumura et al. to allegedly cure the deficiencies of Johnson et al. However, Okumura et al. clearly fails to teach or suggest the feature of "the dimming layer contains a first material whose optical characteristics change in accordance with a concentration of a specific element, the first material being particles" as recited in Applicant's claim 49 and as similarly recited in Applicant's claims 54 and 70. Thus, Applicant respectfully submits that Okumura et al. fails to cure the deficiencies of Johnson et al. described above.

Accordingly, Applicant respectfully submits that Johnson et al. and Okumura et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claims 49, 54, and 70.

In view of the foregoing amendments and remarks, Applicant respectfully submits that

claims 49, 54, 58, 62, and 70 are allowable. Claims 48-52, 55-57, 59-61, 63-69, 71-90, and 92 depend upon claims 49, 54, 58, 62, and 70, and are therefore allowable for at least the reasons that claims 49, 54, 58, 62, and 70 are allowable.

In view of the allowability of generic claims 49, 54, and 70, Applicant respectfully requests that non-elected claims 91 and 93-96 be rejoined and also allowed.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a ONE-month extension of time, extending to April 16, 2011, the period for response to the Office Action dated December 16, 2010.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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